IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 1335 OF 1988

GIC Employees Sonal Vihar Coop. Housing Society Ltd. . .... Plaintiff
vs.
Pandurang Harischandra Vaity & ors. ... Defendants

Mr. Thakore with Ms. Jyoti Ghag for Plaintiff
Mr. S.E. Kazi i/b. M/s. Apte & Co., for defendant nos. 1 to 52
Mr. MPS Rao with A.C. Mahimkar for defendant no.54.
Mr. E.K. Sasidharan for defendant nos. 55 and 56
Mr. B.D. Joshi for proposed defendant no.57.

CORAM: A. S. AGUIAR J.

Date: 3/10/2005

P.C.

By consent of Learned advocates for the parties viz., Plaintiffs and the defendant nos. 1 to 52, 54 and proposed defendant no.57, draft amendment taken on record. Amendment to be carried within a week. Consent terms duly signed by Plaintiffs and defendant nos. 1 to 52, 54, and 57, and their advocates taken on record and marked “X” for identification.

Decree in terms of the consent terms. Learned advocate for defendant nos. 55 and 56 objects to the consent terms being taken on record and any decree being passed in terms thereof in view of the fact that his clients – defendant nos. 55 and 56 have not been served

with the consent terms. Defendant nos. 55 and 56 claim to have interest in the suit property. It is therefore prayed that the Court Receiver be not permitted to hand over the suit property.

Accordingly decree in terms of the consent terms. Court Receiver not to hand over possession of the suit property sto the Plaintiffs for a period of 4 weeks to enable the defendants to take out appropriate proceedings. Suit to stand disposed of.

(A. S. AGUIAR J.)
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